



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

Testimony of
Mayor Michael R. Bloomberg

Before
The Committee on the Judiciary
Subcommittee on Crime, Terrorism, and Homeland Security
U.S. House of Representatives

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Mr. Chairman, Ranking Member Scott, Members of the Subcommittee, thank you for the opportunity to appear before you and give testimony on HR 5005 – the misnamed Firearms Corrections and Improvements Act. My name is Michael Bloomberg, and I am the Mayor of the City of New York.

I want to be very clear that I am not here today to engage in an ideological debate. HR 5005 has nothing to do with the 2nd Amendment and the right to bear arms, but it is has everything to do with illegal guns and the dangers they pose to our police officers and citizens. That's why I am here – because the bill this Subcommittee is considering would explicitly impinge on our ability to fight illegal gun trafficking, and it would result in the shooting deaths of innocent people. I urge you in the strongest possible terms to reject it – and I am submitting letters from mayors around the nation, as well as from the former Chief of the ATF's Crime Gun Analysis Branch, who join me in opposing this legislation.

Why do New Yorkers care about illegal gun sales in other states? It's true that New York is the safest big city in America, and I'm very proud that we have reduced major crime by nearly 25 percent compared to five years ago. But the harsh reality is that far too many people continue to be killed with illegal guns – and nearly all of those guns are purchased outside of New York State. Last year, illegal guns were used to take the lives of more than 300 people in our city. To protect all New Yorkers, we must not only root out and punish those who possess, use, and sell illegal weapons – and we are doing that more effectively than ever – we must also do everything in our power to keep guns out of the hands of those criminals in the first place. This requires us

to look beyond our borders, because 82% of the guns used in crimes in New York City were purchased outside of New York State.

HR 5005 would make it immeasurably harder to stop the flow of illegal guns across our borders and into the hands of criminals by offering extraordinary protections to gun dealers who knowingly sell guns to criminals, and depriving local governments and their law enforcement agencies of the tools they need to hold dealers accountable. Specifically, these obstacles would take the form of severe restrictions on our use of ATF trace data, which is perhaps the most effective tool we have in combating illegal gun trafficking.

Without question, the vast majority of gun dealers are law-abiding businesses – and we have no quarrel with them. Most dealers follow the law and take every precaution to ensure that their products do not fall into the hands of criminals. But there is a very small group of bad apples – about 1% of all gun dealers – who account for almost 60% of all crime guns nationwide. That’s an astounding statistic. Imagine if 60% of all crimes in a city were committed on one block – would you pass a law that effectively prevented the police department from using every tool at its disposal to crack down on that block? Of course not! Yet HR 5005 would effectively prevent cities like ours from holding the 1% of bad gun dealers fully accountable for their actions. And that makes no sense.

When rogue gun dealers break the law, and their guns cause injury or death to innocent people, they should be compelled to answer for their conduct in a court of law – just as any other lawbreaker would. And when they hold licenses issued by state or local authorities, they should

be called to account in administrative proceedings to revoke their licenses. This is what happens to businesses in other industries when they act irresponsibly – think of a tavern that sells alcohol to teenagers and, as a result, loses its license. Why should an irresponsible firearms dealer — which poses a far greater threat to the overall safety of our citizens – be given special protections from state and local authorities?

In non-criminal proceedings to revoke a rogue gun dealer's license, trace data is the single most powerful way to demonstrate unmistakable patterns of illegal conduct. It's pretty simple: Gun dealers with inordinately large numbers of traces to crime guns are gun dealers that make it their practice to sell to straw purchasers. Yet HR 5005 would ensure that this devastating evidence never sees the light of day.

Studies show that when dealers are subject to enforcement efforts, or even if they suspect enforcement efforts, the number of crime guns later traced to those dealers falls off sharply. Yet by forbidding the use of trace data in civil and administrative proceedings, HR 5005 would make it far more difficult to bring civil suits against rogue gun dealers, and far more difficult to bring administrative actions to revoke their licenses.

And my question to you is – why? Why is this in the best interest of the American people? Why is this in the best interests of your constituents? Why would Congress protect the irresponsible gun dealers who help criminals get guns? Why is it good public policy to make cities fight the war against gun violence with one hand tied behind their backs?

Is it to benefit special interest groups? Or the one-in-a-million person who is prosecuted for a purchase that is negligent but not criminal? Is it for these few ideologues and extraordinarily unusual cases that you are willing to facilitate the shooting deaths of thousands of innocent Americans every year?

I cannot believe so. Nor can I take those answers back to the parents of the slain members of the New York City Police Department, including the families of Detectives James Nemorin and Rodney Andrews, who were murdered three years ago this month during one of the hundreds of “buy and busts” that the NYPD carries out every year to take illegal guns off our streets.

Finally, of the other retrograde provisions in HR 5005, the worst of all is the provision that would actually treat police officers like criminals. Under the terms of HR 5005, a detective who shares ATF trace information with another state government for use in a license revocation hearing against a rogue gun dealer would be committing a federal felony – a crime punishable by up to five years in prison. In other words, if an NYPD Detective talks to a New Jersey State Trooper about a problem gun dealer, that Detective could go to jail.

I would not expect that I would need to remind Congress of the horrific consequences that this country, and particularly New York City, suffered as a result of the federal government’s failure to share information among law enforcement agencies, and to work together to “connect the dots” in order to establish patterns of criminality and threats of danger. Yet incredibly, instead of demanding that our law enforcement agencies share information,

Congress is considering making it a crime. As absurd as it sounds, this bill would not only erect new barriers to information, it could send police officers to prison in order to prevent them from holding the worst gun dealers accountable for their potentially deadly actions. How in the world would you explain that to the public?

Members of the Subcommittee, I have been to too many police officers' funerals to believe this bill actually has a prayer's chance in hell. But if it does pass, the next time an officer is attacked by an illegal gun – and I say “next time” because until Congress gets serious about illegal guns, more police officers and many more citizens will be murdered – there can be no denying that all who vote for this bill will bear some of the responsibility.

That may sound harsh to you, but I'm not going to sugarcoat my words when discussing a bill that coddles criminals and endangers police officers and citizens – not only in New York City, but across this country. On behalf of the members of the NYPD, their families, and all New Yorkers, I am urging you in the strongest possible terms to reject this God-awful piece of legislation.

Thank you, and I would be pleased to answer any questions you may have.

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